

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5217 of 2005

Between:

1 Allada Kameshwaramma W/o A.R. Joga Rao

R/o Official Colony, 2nd lane, Visakhapatnam

2 N. Venkataramanamma W/o N.V. Seetharamayya

R/o Agraharam, Government Hospital Road,
Peddapuram, East Godavari District

..... PETITIONERS

AND

1 The State of Andhra Pradesh, rep by its

Tribal Welfare Department Secretariat, Hyderabad

2 The Additional Agent to the Government,

Ramachodavaram, East Godavari District

3 The Special Deputy Collector (Tribal Welfare)

Rampachodavaram east Godavari District

4 The Mandal Revenue Officer, Gangavaram Mandal

Ramachodavaram Division, East Godavari District

5 Kunjam Parvathi W/o Babu Rao

R/o Donelapalli Village, Gangavaram Mandal,

East Godavari District

6 The Revenue Divisional Officer-cum-Land Acquisition Officer,

Rampachodavaram East Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a Writ order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the 1st respondent in not granting stay pending disposal of the Revision Petition filed by the petitioners herein as illegal, arbitrary and opposed to principles of natural justice and law and pass such other or further order as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.LAKSHMANA SARMA

Counsel for the Respondent Nos.1 to 4 and 6: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following:

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ORDER:

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Declaring the action of the 1st respondent in not granting stay, pending disposal of the revision petition filed by the petitioners, as illegal and arbitrary, the present writ petition is filed.

The learned Counsel for the petitioners contended that challenging the order, in C.M.A.No.11 of 2003, dated 30.12.2004, on the file of the Additional Agent to Government, Rampachodavaram, the petitioners have filed a revision through speed post.

On the other hand, the learned Government Pleader for Social Welfare contended that the revision, said to have been filed by the petitioners, has not been received.

It is not a case of violation of principles of natural justice, or the authority who passed an order has no jurisdiction, or that any fundamental right of the petitioner has been infringed. When there is an alternative remedy of appeal is available, the same shall have to be availed by the petitioners.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent to dispose of the revision, if any, filed by the petitioner, against the orders, passed by the 2nd respondent in C.M.A.No.11 of 2003, dated 30.12.2004, within a period of 2 (two) months from the date of receipt of a copy of this order. If the Government receives no such revision petition, the petitioners are at liberty to file a fresh revision petition.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 21.03.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Secretary,

Tribal Welfare Department,

Government of Andhra Pradesh,

Secretariat Buildings, Hyderabad

2. The Additional Agent to the Government

Rampachodavaram, E.G.District

3. The Special Deputy Collector,

(Tribal Welfare) Rampachodavaram,

East Godavari District

4. The Mandal Revenue Officer,

Gangavaram Mandal,

Rampachaodavaram Division,

East Godavari District

5. The Revenue Divisional Officer-cum-

Land Acquisition Officer,

Rampachodavaram,
East Godavari District

6. Two CCs to the Government Pleader
for Social Welfare, High Court Buildings,
Hyderabad (OUT)

7. Two CD copies

Form-NIC-OGS/WP{TRT}